



United States Department of the Interior
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

219 CENTRAL AVENUE, NW
ALBUQUERQUE, NEW MEXICO 87102

JUL 24 1985

ACT/015/004

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JUL 28 1985

DIVISION OF
OIL, GAS & MINING

Dr. Dianne Nielson, Director
Utah Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Dear Dr. Nielson:

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has reviewed Mr. Lowell Braxton's June 23, 1986, letter and attached memorandum documenting the June 12, 1986, bond release inspection at the Huntington #4 mine. OSMRE concurs with the Utah Division of Oil, Gas and Mining (DOGM) inspection report. However, before OSMRE can concur with the Phase I bond release, OSMRE needs documentation from DOGM that the requirements of Part UMC 807 of the Utah State Program have been complied with and that the concerns of the U.S. Forest Service have been resolved.

The DOGM's documentation should address the requirements of UMC 807.11 and should specifically discuss the following items:

1. The permittee sent the letters required by UMC 807.11(a)(2).
2. The permittee provided the proof of publication required by UMC 807.11(a)(3) and the dates of the publication.
3. Resolution of public comments, including comments of the U.S. Forest Service.
4. A discussion of the bond release inspection (i.e., date, observations, and conclusions) and that the surface owner was notified of the inspection and allowed to participate in the inspection in accordance with UMC 807.11(d).

5. DOGM's considerations during the inspection and in its decision required by UMC 807.11(f)(1), including the following:
 - A. DOGM's finding that the permittee meets the criteria for bond release in UMC 807.12 and, specifically, that the permittee has completed backfilling, topsoil replacement, regrading, and drainage control in accordance with the approved reclamation plan.
 - B. Identification of the acreage for which Phase I reclamation is completed, the total acreage in the permit area, the total bond amount, and the amount of bond liability to be released in accordance with UMC 807.12(b) (a map of the permit area and Phase I reclamation area would be appropriate).
 - C. A statement that DOGM considered the degree of difficulty in completing any remaining reclamation, restoration or abatement work, and that the total remaining liability amount of the bond will not be less than that which is necessary for DOGM to complete the approved reclamation plan; achieve compliance with the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the Utah State Program and the permit; and abate any significant environmental harm to air, water, or land resources or danger to the public health and safety which might occur prior to the release of all lands from the permit area.
 - D. A discussion of whether pollution of surface and subsurface water is occurring; the probability of future pollution and the continuance of any present pollution; and the estimated cost of abating any pollution.
6. Statement that DOGM shall notify, in writing, the permittee and other interested parties of the decision by DOGM and OSMRE to release part of the performance bond; and that DOGM shall notify, by certified mail, at least 30 days prior to the bond release, the town, city, or other municipality nearest to, or the county in which the underground coal mining activities are located, of the bond release, in accordance with UMC 807.11(f)(2)-(5).



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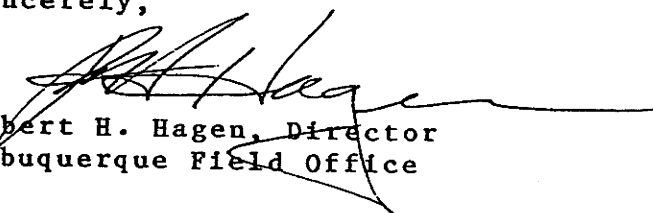
The Office of Surface Mining Reclamation and Enforcement (OSMRE) has received your September 24, 1986, letter and attached correspondence documenting the proposed ~~Phase I bond release~~ at Beaver Creek Coal Company's Huntington No. 4 Mine. OSMRE also acknowledges the reference to bonding requirements at UMC 800.40 incorporated in your letter.

Western Field Operations has reviewed the documentation provided and hereby concurs that the requirements at UMC 800.40 necessary to conclude a Phase I bond release on Federal lands have been satisfied.

OSMRE further acknowledges that the United States Department of the Interior, Bureau of Land Management; and the United States Department of Agriculture; Forest Service, have provided concurrence for a Phase I bond release consisting of 60 percent of the bond or \$216,062.40; and that the State of Utah, Division of Oil, Gas & Mining (DOGM), will notify Beaver Creek Coal Company and the Federal Insurance Company concerning OSMRE concurrence on this action.

Thank you and your staff for coordinating the proposed bond release with our offices.

Sincerely,


Robert H. Hagen, Director
Albuquerque Field Office

Attachment